

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LESHANE J. HOLMES,

Plaintiff,

No. CIV S-04-1308 DFL EFB P

vs.

STEVE TEER,

Defendant.

ORDER

Plaintiff is a state prisoner prosecuting this civil rights action without counsel. *See* 42 U.S.C. § 1983. Defendants move to vacate the pretrial and trial dates in the schedule filed March 2, 2006. Pursuant to that schedule, plaintiff had until November 17, 2006, to file a pretrial statement, defendants have until December 1, 2006, to file a pretrial statement, pretrial conference is set for December 8, 2006, and trial is set for February 26, 2007.

Defendants' motion for summary judgment is pending. Therefore, the parties cannot through the exercise of diligence comply with the schedule. Accordingly, the above dates are vacated. *See* Fed. R. Civ. P. 16(b).

So ordered.

Dated: November 29, 2006.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE